

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/6/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,	:
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-v-	:
	:
GREGORY HERNANDEZ,	:
	:
Defendant.	:
-----	:
	X

1:16-cr-656-GHW

ORDER

GREGORY H. WOODS, District Judge:

The Court has scheduled a sentencing hearing with respect to a violation of supervised release by Mr. Hernandez for June 9, 2020 at 12:30 p.m. The parties are directed to inform the Court whether they are prepared to proceed with the sentencing hearing by remote means. In particular, the Court requests that counsel for the defendant confer with him regarding his willingness to proceed by remote means.

If the parties wish to adjourn the sentencing hearing until a date when the proceeding can take place in person in the courthouse, the parties should write the Court by the close of the day on June 9, 2020. In the event, however, that the parties choose to proceed to conduct the hearing by remote means, this order sets forth the procedures that will be used in connection with that conference.

It is hereby

ORDERED that the sentencing will take place by Skype for Business videoconference. To access the conference, paste the following link into your browser:

https://meet.lync.com/fedcourts-nysd/gregory_woods/Z7S5SSX1.

To use this link, you may need to download software to use Skype's videoconferencing features.¹ Participants are directed to test their videoconference setup in advance of the conference -- including their ability to access the link above. Users who do not have an Office 365 account may use the "Join as Guest" option. When you successfully access the link, you will be placed in a "virtual lobby" until the conference begins. Participants should also ensure that their webcam, microphone, and headset or speakers are all properly configured to work with Skype for Business. For further instructions concerning Skype for Business and general guidelines for participation in video and teleconferencing, visit <https://nysd.uscourts.gov/covid-19-coronavirus>.

If you intend to join the conference from an Apple device, you should ensure that you are running a version of Skype for Business that was published on or after April 28, 2020.² Users running earlier versions have encountered an issue in which Skype for Business does not receive any inputs from the computer's microphone, and they cannot be heard by other participants.

IT IS FURTHER ORDERED that members of the press, public, or counsel who are unable to successfully access Skype for Business, may access the conference audio using the following credentials:

Call-in number: 917-933-2166

Conference ID: 58963020

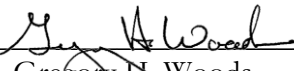
IT IS FURTHER ORDERED that defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is able to sign the form, defense counsel shall file the executed form as promptly as practicable prior to the proceeding. In the event the Defendant consents, but

¹ See Microsoft, *Install Skype for Business* (last visited Apr. 29, 2020), <https://support.office.com/en-us/article/install-skype-for-business-8a0d4da8-9d58-44f9-9759-5c8f340cb3fb>.

² See, e.g., Microsoft, *Skype for Business on Mac* (last visited May 5, 2020), <https://www.microsoft.com/en-us/download/details.aspx?id=54108>.

counsel is unable to obtain the Defendant's physical signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

Dated: June 6, 2020



Gregory B. Woods
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

,
Defendant.

-----X

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

-CR- () ()

Check Proceeding that Applies

____ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

____ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the

federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel

Accepted: _____
Signature of Judge
Date: